



MINUTES
Wednesday, March 23, 2016 – 7:00 P.M.

Please refer to the Planning Commission Procedural Items coversheet
for information on all procedural matters.

ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.

Item #8.C. File No.(s):PLN2014-10253/CEQ2014-01171; Project: Franklin and Alviso Street Vacation

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

Chairwoman Costa initiated the Pledge of Allegiance. Commissioner Sweeney read the Statement of Values.

2. ROLL CALL

The following Commissioners responded to roll call: Mike O'Halloran, Joe Sweeney, Deborah Costa, Raj Chahal, Suds Jain. Steve Kelly was excused. (Commissioner Yuki Ikezi arrived during the discussion of Item 7.A.)

Staff present were: Planning Manager Lee Butler, Principal Planner John Davidson, Assistant City Attorney Alexander Abbe, and Acting Office Specialist IV Rosa Avalos.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Chairwoman Costa stated that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chairwoman Costa reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A. Withdrawals - None
- B. Continuances without a hearing - None
- C. Exceptions (requests for agenda items to be taken out of order) - None

6. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

Members of the public may briefly address the Commission on any item not on the agenda. - None

7. CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes

to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

7.A. Planning Commission Minutes of February 23, 2016.

Motion/Action: The Commission motioned to continue the Planning Commission Minutes of February 23, 2016, unanimously (6-0-1-0, Kelly absent). Commissioner Chahal requested minor edits to Item 8.A. to include the discussion regarding the legality of the basement and the report of current violations.

7.B. File No.(s): **PLN2015-11164**
Location: 3915 Rivermark Plaza, APN: 097-08-106
Applicant/Owner: Steve Rawlings / RLJ HYH Santa Clara LP
Request: **Six-month Review** of an approved Use Permit allowing the sale of beer, wine and spirits for on-site consumption (ABC Type 47 License) within an existing hotel that currently serves alcoholic beverages (ABC Type 70 and Type 20 Licenses)
CEQA Determination: Not a project under CEQA
Project Planner: Greg Qwan, Planning Intern II
Staff Recommendation: **Note and File Report**

Motion/Action: The Commission motioned to note and file this report, unanimously (6-0-1-0, Kelly absent).

*******END OF CONSENT CALENDAR*******

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2016-11731**
Address: 2000 Duane Avenue, a 0.96 acre parcel, located on the south side Duane Avenue, between Jay Street and Alfred Street (APN: 224-09-176); property is zoned ML (Light Industrial) Zoning District
Applicant: The Kastrop Group, Inc
Owner: Saul and Sherry Yeung
Request: **Use Permit** to allow an animal boarding facility (kennel) with outdoor activity area that will offer day care, overnight boarding and grooming services
CEQA Determination: Exempt per Section 15061(b)(3), General Rule Exemption
Project Planner: Jeff Schwilk, AICP, Associate Planner
Staff Recommendation: **Approve, subject to conditions**

Notice: Notice for Item 8.A. was posted and mailed to residents within 300 feet of the project.

Discussion: Lee Butler gave a presentation on the project and mentioned changes on two of the items in staff's proposed Conditions of Approval. Staff noted that the applicant requested amending Condition P10 to reflect the hours of operation to be 6:00 a.m. to 8:00 p.m. daily, instead of Monday through Friday, and staff indicated that they have no objection to eliminating time restrictions altogether. The applicant also requested an amendment to item E9 because they do not believe that it is necessary to relocate the existing manhole and gutter pan. Mr. Butler stated that this condition will be amended to reflect that the issue will be addressed during Architectural Review.

Jose Gonzalez, a representative of the applicant and animal expert for Wag Hotels, presented the project and indicated that the Wag Hotels function as a doggy daycare and boarding facility where staff tends to animals in a caring manner. Mr. Gonzalez mentioned that customers at other Wag Hotels facilities are mostly regular customers who add on extra services as needed.

Project architect Mike Kastrop discussed the drive-through, parking spaces, noise coming from the play area in the back, and the use of recycled water. Mr. Kastrop stated that 30 parking spaces will be provided in the back of the building, where employees will be directed to park their vehicles, and 16 parking spaces will be located on the side. Mr. Kastrop explained that the driveway will be widened and pulled away from an electrical transformer box that is currently adjacent. He stated that the direction of the drive-through would be changed so that vehicles enter directly from the east driveway on Duane Ave. and exit from the shared driveway with the property to the east. Mr. Kastrop explained that regularly, only 3 cars pull up to the driveway in a 50 minute period and that the driveway holds up to 6 cars off the street. Mr. Kastrop also stated that the walls and roof on the play areas in the back were designed direct noise towards the highway. Mr. Kastrop also stated that the roofs take rain water to bio-retention ponds which collect water to be used for the planters on the back.

Jose Gonzalez discussed the vehicle patterns and stated that they compiled traffic information from other hotels. Mr. Gonzalez explained that at their busiest hotel in San Francisco, they have at most 3 cars at once in the drive-through area. Mr. Gonzalez highlighted the Wag Cap service, where employees meet the customer at his/her vehicle and takes/returns the dogs (from) inside the facility; the process takes less than a minute and customers can check-in/out their pets 24 hours per day, seven days a week, 365 days per year.

Sound engineer Lisa Thorburn from Thorburn Associates stated that barks were measured at the Wag Hotel site in Oakland and that the decibel levels ranged between 61 and 66 decibels, and occasionally 68 -71 decibels, where the zoning requirements allow up to 70 decibels. Ms. Thorburn explained that the decibel range is comparable to a person speaking to someone else across a table. Mr. Gonzalez added that staff manages the behavior of the animals to suppress the noise before it is created.

Jose Gonzalez discussed the different measures taken to keep the site clean, such as: bagging solid waste immediately and placed in air-tight containers, cleaning any mess with cotton towels and washing the towels in-house, and the use of floor drains in each room. Mr. Gonzalez added that he met with Mr. Hamady, adjacent business owner, and they discussed and addressed the different issues that Mr. Hamady had concerns about. Mr. Gonzalez stated that the applicant agreed to widen the drive-through and modify the flow of the ingress/egress of the vehicles on the drive-through. Mr. Hamady submitted a letter stating that he no longer opposed the project and would like to continue working with the applicant if any future concerns shall occur.

The Commission inquired about street parking, the use of artificial grass, and the setback requirements for the electrical transformer box near the driveway. Mr. Gonzalez explained that street parking is not needed for the Wag Hotel since there is enough parking on site. He stated that they are looking at different options of non-toxic, non-slip grass since some artificial turf has been found to not be the safest, cleanest artificial grass in the market. Staff explained that the setback for the electrical transformer box will be discussed during Architectural Review.

The Commission also inquired about the art on the wall and whether it would be considered a sign or a mural. Staff explained that they and the City Attorneys will review the City Code to make a determination as to whether it is considered signage and subject to applicable sign regulations, and that will be considered as part of the Architectural Review.

The Commission inquired about the number of pets allowed in the facility to which the Mr. Gonzalez explained that a maximum of 150 pets is allowed (one per room). Mr. Gonzalez noted that the limit of how many dogs are taken outside at one time depends on the energy and size of the dogs, with possibly around 50 dogs with three caretakers supervising.

The Public Hearing was opened.

Chester Yeung, son of the owners of the building and business owner in Santa Clara, expressed support of the project stating that he visited the Wag Hotel in Redwood City and was very impressed by the cleanliness of the facility, how smoothly it operates, and how much the staff cares about the pets. Mr. Yeung stated that they are very excited about having this business in the location.

The Public Hearing was closed.

Motion/Action: The Commission motioned to adopt a Resolution approving the Use Permit, subject to conditions of approval, including those presented by staff in the staff report as well as the following: a) change in Condition P10 to not restrict the hours of operation but to keep the requirement that overnight boarding occur entirely indoors, b) modify Condition E9 to state that the location of the manhole be evaluated at the Architectural Review stage, and c) at the Architectural Review stage, review the location of the driveway expansion in relation to the nearby transformer to ensure that separation requirements are met. (6-0-1-0, Kelly absent).

8.B. File No.(s):	PLN2015-10898
Location:	2855 Stevens Creek Boulevard, on a 7.5 acre portion of a 70.5 gross acre site, located at the northeast corner of Stevens Creek and Winchester Boulevards; APNs: 274-43-062, -071, -080; property is zoned CC (Community Commercial)
Applicant/Owner:	Scot Vallee / Westfield, LLC
Request:	Use Permit for the construction of a ten-screen movie theater, and Variance to allow a building height of up to 65 feet where 50 feet is allowed, in conjunction with the construction of 98,200 square feet of new building area and the proposed demolition of a 52,000 sq. ft. portion of the existing Westfield Valley Fair Shopping Mall.
CEQA Determination:	Addendum to the Valley Fair Shopping Center Expansion EIR (SCH#200652162 and to the Final Program Environmental Impact Report for the City of Santa Clara 2010-2035 General Plan (SCH# 2008092005)
Project Planner:	John Davidson, Principal Planner
Staff Recommendation:	Approve, subject to conditions

Notice: Notice for Item 8.B. was posted and mailed to residents within 500 feet of the project.

Discussion: John Davidson gave a brief presentation on the project and stated that the variance is necessary to be able to meet the height requirements in order to construct the movie theater and have additional parking below it.

The Commission asked whether the project exceeds the FAR for zoning designated as regional commercial and whether the variance should be for the height as well as the FAR. Staff explained that the FAR is part of the General Plan, not part the Zoning Ordinance, and therefore is not subject to the variance process. Staff further explained that different laws apply to the General Plan and that the Commission has the discretion to approve the project.

Staff clarified that the new parking garage will be located on the San Jose side.

The applicant Scott Vallee discussed the addition of the movie theater for adults 18 and older which will feature luxury, reserved seating, food available, and valet parking. The theater will have a bar with alcohol for available for purchase and will be have security 24 hours per day. Mr. Vallee stated that a kitchen and bath store with fully operational equipment will be located below the theater and will host cooking classes. Mr. Vallee clarified that the rest of the building is zoned at 65 feet, with the exception of the corner where the theater will be located.

The Commission asked several questions regarding the crosswalks, the height of the theater and the parking. Mr. Vallee stated that the crosswalks that lead to Santana Row will be redone to include double crosswalks and will have handicap entry access. Mr. Vallee added that the movie theater cannot be seen by residents on Forest Street. Mr. Vallee clarified that the 8,374 parking spaces include the spaces throughout the shopping center as well as the new parking garage on the San Jose side. Mr. Vallee explained that the reconfiguration of the parking lot will take place where the Old Navy space exists and all around to the Safeway area. Mr.

Vallee stated that the addition of 46,000 square foot area with minimal additional parking on Stevens Creek and Monroe comes from the direction of the City to add more retail and less parking.

The Commission expressed concern about the lack of parking, increased traffic, and the impact the new theater will have. Mr. Vallee explained that the peak hours for the movie theater are opposite of the peak hours for the shopping mall itself, which will not have further impact on the current traffic situation. Mr. Vallee added that they are looking at promoting buses, shuttles, and carpooling for employees, especially during the holiday season. Mr. Vallee also stated that parking navigation will be featured on the new parking garage which will make parking up to 60 percent faster. Mr. Vallee stated that an active TDM is currently being developed with a consultant from Los Angeles. The Commission inquired about electrical vehicles charging stations to which Mr. Vallee explained that the new garages will include them, with 100 stalls to begin with and the possibility to increase if needed.

The Public Hearing was opened and closed with no comments from the public.

Motion/Action: The Commission motioned to adopt a Resolution approving a Conditional Use permit to construct a ten screen movie theater as part of a 98,200 square foot expansion of the Westfield Valley Fair Shopping Center (6-0-1-0, Kelly absent).

Motion/Action: The Commission motioned to adopt a Resolution approving a Variance for an increase in the allowed building height of up to 65 feet, where 50 feet is allowed (6-0-1-0, Kelly absent).

8.C.	File No.(s):	PLN2014-10253 / CEQ2014-01171
	Project title:	Franklin and Alviso Streets Partial Vacation Project
	Location:	Franklin Street right-of-way from the extension of the westerly right-of-way line of The Alameda to the extension of the easterly right-of-way line of Lafayette Street, and Alviso Street right-of-way from the extension of the southerly right-of-way line of Benton Street to the extension of the northerly right-of-way line of Franklin Street; totaling an area of approximately 1.916 acres
	Applicant:	Santa Clara University
	Owner:	City of Santa Clara
	Request:	Make Findings that the conversion of the portions of Franklin Street and Alviso Street public right-of-way, with reservation of public utility, emergency vehicle access, private vehicle ingress/egress, and public pedestrian access easements is in Conformance with the City of Santa Clara 2010-2035 General Plan; and Recommend that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring or Reporting Program for the proposal; and Make a Determination regarding the boundary of the site's Zoning Designation
	CEQA Determination:	Initial Study/ Mitigated Negative Declaration
	Project Planner:	Debby Fernandez, Associate Planner
	Staff Recommendation:	Adopt Resolutions for General Plan conformance and for Determining the site's Zoning Designation to be Public, Quasi-public, and Parks and Recreation (B) ; and Recommend City Council approval of the MND and MMRP

Notice: Notice for Item 8.C. was posted and mailed to residents within 300 feet of the project.

Discussion: Lee Butler gave a brief presentation on the project and noted that City responses to comments received on the Mitigated Negative Declaration (MND) were distributed to the Commissioners.

Joe Sweeney disclosed that he met with the applicant previously to this meeting.

The Commission inquired about naming Santa Clara University as an applicant before an auction has taken place. Assistant City Attorney Alexander Abbe clarified that the Commission is only making a recommendation to City Council on whether or not to vacate the streets towards Santa Clara University but if they do not win the bid, the vacation for them will not take place.

Staff clarified that none of the mitigated measures and project parameters were affected by the MND responses and that cultural resources expert is present to answer any other questions. Staff also clarified that the Public, Quasi-Public, and Public Parks or Recreation (B) zoning designation does not automatically qualify the land as a park since it needs to meet certain criteria.

The applicant's representative, Chris Shay, provided a presentation regarding the project and responded to Planning Commissioner's questions regarding the loss of parking spaces and use of drought-tolerant plants and species. Mr. Shay discussed the linear connection from Lafayette to The Alameda and the groundwork set for a new paseo connection all the way from Caltrain to the future downtown on Lafayette. Mr. Shay discussed the plans to pay homage to the railroad history with a rendering of possible art. Mr. Shay also discussed the use of native, drought-tolerant plants, the use of recycled water, and the possibility of having autonomous shuttles around campus, to the station, and around downtown in the future. Mr. Shay mentioned that according to the technical analysis, traffic will be improved on Franklin Street. Mr. Shay stated that public parking spaces will be available at the Franklin garage and that the University will provide free parking for the Women's Club meetings on Fridays. Mr. Shay stated that the parking spaces will be offered at a different location if something was to happen to the existing garage.

Mr. Shay discussed the bidding process with the City and stated that market rate value will be considered. Mr. Shay also noted that \$2 million worth of improvements will be necessary and that Santa Clara University is committing to that amount, and that the University is also committing to protecting the trees, keeping the land as a paseo, and making all required improvements.

The Commission discussed the project's removal of parking and also the possibility of removing some street parking on Benton Street to clear space for the turning of the transit bus and making it safer for cyclists. Mr. Shay stated that they would agree to doing that and that they can add a few more spaces on the parking garage in order to make up for the loss of street parking spaces, increasing the spaces from 66 to 69. Mr. Shay also mentioned that the University is working with the City to improve the pedestrian crossings of Lafayette Street, Franklin Street, and Lexington Street, and the University is willing to cover the costs of the improved pedestrian crossings.

Mr. Shay stated that they would like to expand the path east to El Camino Real, if the houses were to become available for purchase or agreeable to such a plan, in order to make a longer pedestrian pathway safer and more accessible. Staff explained that the bus route on Franklin Street will be re-routed one block north to Benton Street.

The Public Hearing was opened and closed with no comments from the public received.

Motion/Action: The Commission motioned to adopt a Resolution to recommend that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring or Reporting Program (MMRP) (6-0-1-0, Kelly absent).

Motion/Action: The Commission motioned to adopt a Resolution to find that the project is in conformance with the 2010-2035 General Plan (6-0-1-0, Kelly absent).

Motion/Action: The Commission motioned to adopt a Resolution to recommend that City Council approve the vacation of a portion of Franklin Street and Alviso Street with reservation of public utility easement, emergency vehicle access easement, private vehicle ingress/egress, and a public pedestrian access easement (6-0-1-0, Kelly absent).

Motion/Action: The Commission motioned to adopt a Resolution to determine the boundary of the zoning designations for the proposed area to be vacated to be designated as Public, Quasi-Public, and Public Parks or Recreation (B) (6-0-1-0, Kelly absent).

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- Consideration of setting Special Planning Commission meeting date for April 6, 2016
 - Mr. Butler stated that the joint study session scheduled for April 6, 2016 was canceled and other possible meeting dates will be forthcoming.

ii. Report of the Director of Planning and Inspection

- City Council Actions
 - Mr. Butler stated that during the meeting on March 22, 2016 the City Council discussed City-owned public billboards and the need for a policy for digital billboards. Mr. Butler explained that Staff will continue to work towards a policy and will bring it forward to the Planning Commission before presenting it to the City Council for approval.
 - Mr. Butler reported on the Tentative Map on Stevens Creek Boulevard approved at the Council meeting on March 22, 2016.

iii. Commission/Board Liaison and Committee Reports

- Appointment of Board or Committee assignments
 - Chairwoman Costa stated that Commissioner Sweeney's term will end in June and the recruitment for a new Commissioner will commence soon.
 - Commissioner Jain expressed his desire to receive notifications when projects are completed to ensure that applicants are complying with the requirements. Mr. Butler stated that the Planning webpage needs to be updated to reflect the stages on the projects and explained that information about projects can be investigated using the Smart Permit tracking system linked on the City website.
 - Commissioner Jain mentioned the Great America Theme Park Notice of Preparation and scoping meeting and the need for better communication regarding such projects. Mr. Butler stated that the information can be found on our website and that we will send a link to Commissioners.
- Architectural Committee
 - Commissioner Chahal stated that the Architectural Committee discussed the need to check with Code Enforcement on projects with possible violations before making a decision on the project.

iv. Commission Activities

- Commissioner Travel and Training Reports; Requests to Attend Training
 - National APA Conference: April 2-5, Phoenix AZ - None

v. Upcoming agenda items

- Commissioner Travel and Training Reports; Requests to Attend Training - None

10. ADJOURNMENT

The meeting adjourned at 9:10 p.m.. A regular meeting of the Planning Commission will be held on Wednesday, April 13, 2016 at 7:00 p.m.

Prepared by: Rosa Avalos
Rosa Avalos
Acting Office Specialist IV

Approved by: Sharon Goel
for Sharon Goel
Acting Director of Planning & Inspection

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